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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,177	08/01/2001	Marshall Bandy	08100/0100	6432

3490 7590 07/14/2004
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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,177

Applicant(s)

BANDY ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11, 13-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2-11, 13-18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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EXAMINER'S RESPONSE

1. In response to the application filed 8-1-01 and abstract filed 10-5-01, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Specification

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. A hyperlink is included on page 17 paragraph 00054. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer

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signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 2-4, 3, 11, 14, 23-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No.

6625464 in combination with Raizen (US 4692742). Raizen discloses a security system and method including information generator 102/202/302, transmitting device 103/203/303 processing station 4/fig. 2, radio transmitter 10 and receiver 101S/201S operating in the manner of claim 1 in col. 3 line 1 - col. 4 line 42. Note that the receiver is a commercially available such as a programmable Motorola Sprint Pager. The transmitter may be RM in col. 3 line 48. Regarding claims 2, 3, 4, and 24 it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the sensor of Raizen in the invention claimed in the 6625464 in order to allow monitoring of sensed alarm conditions such as fire so that alarm condition information may be communicated to a remote user. Regarding claims 3 and 19, Raizen includes assigning physical ID numbers with physical locations (zones) in col. 3 line 36 that is corresponds with a subscriber account identifying an associated receiver address in col. 4 lines 26-39. Regarding claim 11 the address of the pager in Raizen is a

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capcode. Regarding claim 14, Raizen includes a fire sensor 101 operating as a fire alarm sensor. Regarding claim 23, Raizen includes various sensors in fig. 1 that reports a predetermined conditions such as fire and sends a signals from an information generator to a data transmission device. The information generating device may be the alarm encoder (such as 202) in the local zone or the encoder 9 at the central control station. The data transmission device may be the transmitter (such as 203) in the local zone or the paging transmitter 10 at the central control station.

5. Claims 5-6, 8-9, 20 and 22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6625464 in combination with Raizen (US 4692742) as applied above and further in view of Payne (US 6021433) and/or Liebesny (US 5131020).

Payne discloses a system and method for transmission of data including information generator 12, transmitting device 106/108/110/112 processing station 114, radio transmitter 41 and receiver 32 in col. 7 line 57 - col. 10 line 36. Regarding claims 5-6, Payne includes a serial number and command to add/delete (activate/deactivate) information codes in col. 31

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line 45 - col. 32 line 18. Regarding claim 9, Payne includes servers that monitor email and send notification of new email in col. 11 line 54 - col. 12 line 4.

Liebesny discloses a method and system for transmission of updated information including information generator 3/5/7/11/12/9/17/19, transmitting device 1/14/15/21, processing station 23, radio transmitter 31 and receiver CT/A/V operating in the manner of claim 1 in col. 3 line 19 - col. 5 line 27. Liebesny differs from claim 1 by not expressly disclosing programming the receiver ID.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the address programming of Payne in the method applied above in order to allow activation/deactivation of desired subscription services. Alternatively it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the protocol of Liebesny to allow continually updated information.

Regarding claims 20 and 22 Liebesny includes assigning physical ID numbers with physical locations (geographical zones) in col. 6 lines 41-55 to limit information such as traffic information to a location of interest. Regarding claims 5-6, Payne includes a serial number and command to add/delete

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(activate/deactivate) information codes in col. 31 line 45 - col. 32 line 18. Regarding claim 8, Liebesny includes weather in col. 4 line 28 and col. 10 line 25. Also, Payne includes weather in col. 8 line 1 and col. 11 line 66. Locality would have been obvious in view of the zones of Liebesny to limit information to a location of interest. Regarding claim 9, Payne includes servers that monitor email and send notification of new email in col. 11 line 54 - col. 12 line 4.

6. Claims 7 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. **6625464** in combination with Raizen (US 4692742) in view of Payne (US 6021433) and/or Liebesny (US 5131020) as applied above and further in view of Fascenda (US 5241341). Fascenda disclose a method for programming paging receiver addresses including a serial number and add/delete command in col. 11 lines 22-61. This permits companies involved to ensure only authorized pagers receive messages and can revoke authority if a user fails to pay without having to obtain physical possession of the pager. Therefore, the addresses are accessible to the companies involved, not the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in

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the combination applied above the added addresses not accessible to the user as disclosed in Fascenda so companies involved can ensure only authorized pagers receive messages.

7. Claims 10 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. **6625464** in combination with Raizen (US 4692742) in view of Payne (US 6021433) and/or Liebesny (US 5131020) as applied above and further in view of Duckeck (US 5303401). Duckeck disclose a method for communicating with a receiver using a PI code to identify regions or zones to limit received message to a location of interest. See the abstract, col. 2 lines 20-39 and col. 3 line 55 - col. 4 line 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the PI code of Duckeck to limit messages to a location of interest.

8. Claims 13-14 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. **6625464** in combination with Raizen (US 4692742) in view of Payne (US 6021433) and/or Liebesny (US 5131020) as applied above and

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further in view of Blanchard (US 4558181). Blanchard disclose a method monitoring alarms that sends a telephone number with a message to allow callback in col. 2 lines 35-68. Blanchard includes water level and fire sensors in col. 2 lines 29-30 col. 9 lines 5-11 to detect flooding. Regarding claim 13, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the water level sensor of Blanchard to detect flooding. Regarding claims 14 and 17, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the communication telephone number associated with a fire alarm monitor in Blanchard to allow call back.

9. Claim 15 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. **6625464** in combination with Raizen (US 4692742) in view of Payne (US 6021433) and/or Liebesny (US 5131020) in view of Blanchard (US 4558181) as applied above and further in view of Holland (US 4641343). Holland discloses a voice recognition circuit in the form of a speech analyzer that can detect a fire alarm in col. 3 lines 29-38. It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to have included in the combination applied above the voice recognition circuit of Holland to detect fire alarm sound with the advantage of being software programmable.

10. Claim 16 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. **6625464** in combination with Raizen (US 4692742) in view of Payne (US 6021433) and/or Liebesny (US 5131020) in view of Blanchard (US 4558181) and Holland (US 4641343) as applied above and further in view of Nishihara (US 4897862). Nishihara discloses an acoustic alarm detection system that requires a predetermined count such as 8 cycles to discriminate from background or spurious noise in col. 6 line 51 - col. 7 line 8. A count of 8 comprises the 3 trigger signals of claim 15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the count of 3 triggers as disclosed in Nishihara discriminate from background or spurious noise.

11. Claim 18 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

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claims 1-42 of U.S. Patent No. **6625464** in combination with Raizen (US 4692742) in view of Payne (US 6021433) and/or Liebesny (US 5131020) as applied above and further in view of Boone (US 4713661). Boone disclose a method that includes a school bus stop reporter in col. 3 lines 4-9 and col. 5 line 3 - col. 6 line 64. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the school bus stop reporter of Boone to alert a parent or student as to bus location in adequate time for the student to leave home and travel to the designated stop.

12. Claim 21 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. **6625464** in combination with Raizen (US 4692742) in view of Payne (US 6021433) and/or Liebesny (US 5131020) as applied above and further in view of Mardus (US 5095532). Mardus disclose a method that includes traffic announcements with a location code identifying a road segment in the abstract and col. 5 lines 40-51 so that the driver is not distracted by irrelevant traffic advisories. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the

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combination applied above the location code identifying a road segment of Mardus so that the driver is not distracted by irrelevant traffic advisories.

Response to Arguments

13. Applicant's arguments, filed 4-30-04, with respect to objection to claims 15-16 and rejection(s) of claim(s) 1-22 under 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the objection and rejections have been withdrawn. However, upon further consideration, a rejection on the grounds of obvious double patenting necessitated by the amended claims.

14. The argument removing of the underlining in paragraph 00054 overcomes the objection to the specification is not persuasive because, regardless of underlining, the paragraph still includes a hyperlink or URL. It is the "http://www." that makes this a hyperlink, not the underlining. See MPEP 608.01.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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CONTACT INFORMATION


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
7/12/04


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635